

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BARRETTE OUTDOOR LIVING,

Plaintiff,

v.

Case No. 11-13335
Honorable Julian Abele Cook, Jr.

MICHIGAN RESIN REPRESENTATIVES, LLC;
LISA J. WELLS; TAMARA L. TURNER; and JOHN
H. LEMANSKI, JR.

Defendant.

ORDER

Plaintiff Barrette Outdoor Living seeks default judgments and contempt sanctions against Defendants Michigan Resin Representatives, Lisa J Wells, and Tamara L. Turner for their alleged failure to adequately respond to Plaintiff's First and Second Set of Discovery Requests. Both motions for default judgment were referred to Magistrate Judge Michelson for a report and recommendation. In a report on April 5, 2013, Magistrate Judge Michelson recommended that this Court deny in part and grant in part the Plaintiff's motion for default judgment (ECF 75) and second motion for default judgment (ECF 104). As of this date, neither party has expressed any objections to the Magistrate Judge's report and recommendation. The period of time for filing objections having now expired, this Court adopts the report, including the recommendations of Magistrate Judge Michelson, in its entirety (ECF 118). Therefore:

(1) within seven (7) days of the adoption, Ms. Wells (a) must provide to Plaintiff's counsel for imaging (at Plaintiff's expense) the computer referenced in her supplemental response to Interrogatory No. 2 and any other computers or electronic devices, including PDAs, smart phones, etc., that may or do contain any information responsive to Plaintiff's discovery requests; (b) provide to Plaintiff's counsel a signed consent/authorization form for Plaintiff to Subpoena MRR's tax records from the United States Internal Revenue Service and the Michigan Department of Treasury, as well as any authorizations and/or account access information so that Plaintiff may gain access to the phone and financial information requested in Interrogatory Nos. 3 and 4; and (c) provide full and complete responses to Plaintiff's Second Set of Discovery Requests; and

(2) the discovery cut off date be extended to May 11, 2013 and Plaintiff be permitted to take Ms. Wells' deposition any time prior to the trial date

Further, Wells is warned that further noncompliance with the Federal Rules pertaining to discovery, the Court's Discovery Order (Dkt. 70), or this Order may result in the imposition of more severe sanctions, including the entry of default judgment in favor of Barrette.

Finally, the Court RECOMMENDS that a default judgment be entered against Defendant MRR in an amount to be determined by the District Court upon further submissions.

IT IS SO ORDERED.

Date: April 29, 2013

s/Julian Abele Cook, Jr.
JULIAN ABELE COOK, JR.
U.S. District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Order was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail to the non-ECF participants on April 29, 2013.

s/ Kay Doaks
Case Manager